

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Gawalkiewicz, Jerzy *et al.*

Serial No: 10/686,601

Art Unit: 2883

Filed: October 17, 2003

Examiner: Mary A. El-Shammaa

Subject: Light Source for Use with a Light Guide, and a Lamp Mounting Arrangement

THE COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450, Alexandria, VA 22313-1450, USA

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.143
AND PROVISIONAL ELECTION

Sir:

In response to the office action mailed June 30, 2005, the applicants provisionally elect, with traverse, the invention of group I for examination at this time, with restriction to claims 1 to 9.

The restriction requirement is traversed on the grounds that the "inventions" of groups I and II are sufficiently related that they can be searched and examined in the one application without imposing an undue or serious burden upon the examiner. (MPEP § 803).

The examiner cited MPEP § 806.04 and MPEP § 808.01 to support the assertion that the "inventions" are unrelated and, hence, cannot be examined in the one application. MPEP § 806.04, paragraph (A), gives the following examples of unrelated inventions:

An article of apparel such as a shoe, and a locomotive bearing would be an example.

A process of painting a house and a process of boring a well would be a second example.

Clearly, these examples contemplate a lack of relatedness that is way beyond that between the "inventions" of groups I and II. Claims 1 to 9 and 10 to 13 are directed to different parts of the same light source unit and are concerned with supporting of the light source. Claims 1 to 9 are directed to light baffles and cooling of the light source while claims 10 to 13 are directed to specific features of the support, such as the reference surface, mounting ring, and so on. The two "inventions" are used in the same light source unit, i.e., in the same box.

MPEP section 803 limits the application of MPEP § 806 and MPEP § 808. It states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In this case, the examiner stated that the "invention" of claims 1 to 9 was classified in class 362, subclass 382, while the "invention" of claims 10 to 13 was classified in class 385, subclass 136.


Class 362, subclass 382 is the first of a number of subclasses related to "Supports". In fact, only a limited number of the "Support" subclasses are of any relevance to the present invention and so need to be searched. Class 385, subclass 136 for "External retainer/clamp" is, in effect, a stand-alone subclass since, although subclass 137 is indented from subclass 136, it relates to "Fiber holder

(i.e., for single fiber or holding multiple single fibers together)" which has no relevance to clamping a light source "to force its frontal fiduciary locating surfaces into contact with the reference surface...". Hence, to search the "invention" of group II merely means adding one subclass to the search being carried out for the "invention" of group I.

The number of classes and subclasses involved in searching all of the claims of the present application is not excessive and would not impose a "serious burden" upon the examiner.

In view of the foregoing, the applicants respectfully request that the restriction requirement be withdrawn and all claims of record examined.

Respectfully submitted


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Date: July 25, 2005

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25th July 2005
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Thomas Adams